Writ Petition No. 753(S/S) of 2003

J.N. Yadav

…….. Petitioner

Vs.

State of Uttaranchal and others

…….. Respondents

Hon'ble M.M.Ghildiyal J.

Heard Sri Alok Singh learned counsel for the petitioner and learned Standing Counsel.

This writ petition has been filed by the petitioner who is a pharmacist in district hospital Haridwar against the transfer order dt. 30.07.2003 transferring him from Haridwar to Jhabrera. The petitioner could not show any illegality in the transfer order. However, the petitioner has submitted that the petitioner as well as his wife were posted at Haridwar. By another order the wife of the petitioner has been transferred from Haridwar to Laksar and by the impugned order the petitioner has been transferred from Haridwar to Jhabrera. The petitioner has three children who are studying in different classes at Haridwar. There is also policy of the government to post husband and wife at one place as far as possible. This policy is not mandatory because in the policy it has been mentioned that the husband and wife may be posted at one place as far as possible. Further the policy does not have statutory force and the petitioner cannot take benefit of it. In any case it is true that the petitioner has been transferred from Haridwar to Jhabrera and the wife of the petitioner has been transferred from Haridwar to Laksar.The petitioner has three children who are studying in different classes at Haridwar any by transferring both father and mother the children will certainly face difficulties.

In view of the above I direct the petitioner to make a representation to the concerned authority within a period of one week from today and the authority concerned shall decide the representation of the petitioner within further period of four weeks. While considering the representation of the petitioner the authority concerned will keep in mind the fact that both the husband and wife have been transferred to different places and will also keep in mind the government policy to post husband and wife at one place as far as possible. Till the representation of the petitioner is decided the transfer order shall be kept in abeyance.

With these observations the writ petition is disposed of finally.

August 07, 2003.
MPS

(M.M.Ghildiyal J.)